

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DION A. TEMPLE,

Petitioner,

v.

BRIAN V. COLEMAN,

Respondent.

2:12cv1517

Electronic Filing

Judge Cercone

Magistrate Judge Kelly

MEMORANDUM ORDER

AND NOW, this 20th day of December, 2012, after the Petitioner, Dion A.

Temple, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until November 23, 2012, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the "Petition for Writ of Habeas Corpus 2254" (the "Petition"), ECF No. 7, is dismissed prior to being served for failing to state a claim because, rather than challenge the validity of his sentence or conviction, Petitioner is challenging the conditions of his confinement, and such challenges are not cognizable by means of a habeas petition in federal court.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.



David Stewart Cercone
United States District Judge

cc: Dion A. Temple
HF-5212
SCI Fayette
Box 9999
LaBelle, PA 15450

(Via First Class Mail)